

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO.708 OF 2019
WITH
CIVIL APPLICATION NO.844 OF 2019**

Mrs. Shakuntaladevi W/o.

Rajendrasingh Gagat

... Appellant/Applicant

Versus

Municipal Corporation of Greater

Mumbai Through Asstt.

Municipal Commissioner

... Respondent

.....

Mr. Ashok M. Saraogi a/w Mr. Sushil Upadhyay for the
Appellant/Applicant.

Ms. Madhuri More for the Respondent-corporation.

.....

CORAM : S.C. GUPTE, J.

DATE : 20 AUGUST 2019

P. C. :

. Heard learned Counsel for the parties.

2 This Appeal from Order challenges an order passed by the Bombay City Civil Court on a notice of motion taken out by the Appellant (original plaintiff) in her suit challenging the Respondent-corporation's notice issued under 351 of Mumbai Municipal Corporation Act and the order of the Respondent passed on the basis of that notice after considering documents produced by the Appellant.

3 It appears that the Appellant has produced a number of documents (as many as seventeen in number) in support of her case that the suit premises, where the Appellant was running a stall, had been allotted to her in lieu of an earlier stall, which was on MHADA land and which was demolished by MHADA. The documents show various repairs permissions granted by MHADA to the Appellant including communications addressed by MHADA to the Respondent-corporation for grant of permission of repairs. Considering these documents, *prima facie*, the Appellant's case merits consideration.

4 Hence, **Rule** and interim relief, pending the hearing and final disposal of the Appeal from Order, restraining the Respondent-corporation from demolishing the suit structure.

5 The civil application is disposed of in the above term.

6 Learned Counsel for the Respondent-corporation waives notice.

7 At the request of the parties, the hearing of the Appeal from Order is expedited.

(S.C. GUPTE, J.)